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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,601	09/16/2003	Craig Zadak	502255	3295

53609 7590 12/19/2005

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EXAMINER

BOSWELL, CHRISTOPHER J

ART UNIT	PAPER NUMBER
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3676

DATE MAILED: 12/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/663,601	Applicant(s) ZADAK ET AL.	
	Examiner Christopher Boswell	Art Unit 3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26-37 and 39-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 26-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claim 44 is objected to because of the following informalities: As currently recited in the current application, claim 44 depends from claim 44; the examiner believes claim 44 should depend from claim 43, and will be examined accordingly. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 26-28, 33-37, and 41-45 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Number 5,520,291 to Graham.

Graham discloses a lock bar merchandise system (figure 1) for selectively securing merchandise to a vertical support (the wall contiguous the lock bar system, wherein the system is mounted by means of fasteners through apertures 11), having a lock bar assembly (figure 1) mounted to the vertical support, the lock bar assembly including a pair of sides in lateral spaced relations (sides walls indicating by figure number 10), the sides extending forwardly relative to the vertical support (figure 1), and a product retainer (4) extending laterally between the sides to define an open area (area disposed between the rear end, the side walls, and product retainer) for storage of merchandise, and a lock (36) adapted to secure the product retainer, the product

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retainer being a separate member from the sides and movable, relative to the sides such that the product retainer is not unitary with the sides (figures 1 and 16), a row of peg hooks (13) disposed in spaced lateral relation between the sides of the lock bar assembly, each peg hook includes a product retainer arm (merchandise can hang from each peg hook 13) projecting generally forward through the open area relative to the vertical support, each product retainer arm adapted to support merchandise, and wherein the lock includes a locked condition in which a front portion of each product retainer arm is trapped by the product retainer (where the product retainer is in the closed condition, blocking access to the peg hooks), and an unlocked condition in which each product retainer arm is free of the product retainer for installation or removal of merchandise (where the product retainer is in the open condition), as in claim 26.

Graham also discloses product retainer including the product retainer including a first security bar (section of the product retainer to the left of element 9) and second security bar (section of the product retainer to the right of element 9) extending in lateral spaced relation with a gap (area within element 9) formed therebetween, as in claim 27, wherein the product retainer is pivoted relative to the sides about a hinge (37) when moved from the locked condition to the unlocked condition, as in claim 28.

Graham further discloses that each side includes a mounting hook (fastening means extending within aperture 11) securing the lock bar assembly to the vertical support, as in claim 33, wherein the product retainer is capable of displaying a label on the exterior of the product retainer (placing the label on the flat exterior surface of the product retainer), as in claim 34, as well as the lock is integral with the product retainer and the sides, the lock comprising a keyed mechanism (36) carried by the product retainer (figure 16), the key mechanism having a movable

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latch (the bolt carried within the lock mechanism) actuated by a key, and wherein the lock includes a stop (the keeper within the one side, figure 16) defined by one of the sides, the latch cooperating with the stop in the locked condition to prevent movement of the product retainer (figure 16), as in claim 35, as well as the product retainer arm of each peg hook defines a upwardly bent free end (the proximal end of each peg hook extends upwardly), as in claim 36.

Graham additionally discloses a hinge (37) connecting the product retainer to the sides, as in claim 43, wherein respective hinges connect each side to the product retainer (figure 16), the product retainer pivotable relative to sides upwardly and outwardly via the hinges (figure 16), as in claim 44, and where the sides have mounts for mounting the sides to the vertical supports (via fastening means through apertures 11), as in claim 45.

Graham also discloses a lock bar assembly (figure 1) for selectively securing merchandise via peg hooks (13) to a vertical support (the wall contiguous the lock bar system, wherein the system is mounted by means of fasteners through apertures 11), having a pair of sides (sides walls indicating by figure number 10) disposed in lateral spaced relation, each side having a mounting hook (fastening means extending within aperture 11) such that each side is adapted to mount to the vertical support, each side extending forwardly from the mounting hook to a front end, a product retainer (4) extending laterally between the respective sides between the respective front ends thereof, the product retainer including a first security bar (section of the product retainer to the left of element 9) and second security bar (section of the product retainer to the right of element 9) extending in lateral spaced relation with a gap (area within element 9) formed therebetween, a lock (36) having a locked position (when the bolt therein is in the

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extended position) fixing the product retainer relative to the sides and an unlocked position in which the product retainer is movable relative to the sides, and a support bar (12) mounted to each of the sides and extending laterally therebetween rearward of the product retainer, a hinge (37) pivotally connecting the product retainer to the sides proximate the front end wherein the product retainer is pivotable about the hinge relative to the sides when moved from the locked condition to the unlocked condition (to allow the product retainer to pivot open, allowing a user to access the products), as in claim 37.

Graham further discloses the product retainer is capable of displaying a label on the exterior of the product retainer (placing the label on the flat exterior surface of the product retainer), as in claim 41, as well as the lock being a keyed mechanism (36) carried by the product retainer, the key mechanism having a movable latch (the bolt carried within the lock mechanism) actuated by a key, and wherein the lock includes a stop (the keeper within the one side, figure 16) defined by one of the sides, the latch cooperating with the stop in the locked condition to prevent movement of the product retainer, as in claim 42.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 29-32 and 39-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graham, as applied above, in view of U.S. Patent Number 4,155,458 to Moline.

Graham discloses the invention substantially as claimed. Graham discloses the lock bar assembly having a peg hook support bar (12) extending laterally between the sides, the peg hook support bar being spaced rearward of the product retainer proximate the vertical support (figure 1). However, Graham does not disclose the peg hooks being slidably mounted on the peg hook support bar. Moline teaches of a lock bar assembly having a plurality of peg hooks (18) and a peg hook support bar (16), each peg hook has a mounting bracket (22), where the mounting bracket of each peg hook being slidably mounted on the peg hook support bar (within the channel of the peg hook support bar), as well as a peg hook security rod (upper flange of element 16) extending laterally between the sides, the peg hook security rod extending coextensively with the peg hook support bar along a substantial portion thereof to trap the mounting brackets of different peg hooks on the lock bar assembly and prevent removal therefrom (figure 3), where the peg hook support bar and the peg hook security rod define a substantially constant gap (figure 3) which traps the mounting brackets, and a larger entrance (ends of element 16, figure 4) opening which provides means for slidably installing and removing mounting brackets of peg hooks on the peg hook support bar, as well as each mounting bracket includes a front panel disposed over a front face of the peg hook support bar, and a hook wrapped over a top of the peg hook support bar, the product retainer arm being mounted to the front panel (figures 3 and 4), in the same field of endeavor for the purpose of providing a security storage system which may be readily adjusted to receive a plurality of different sizes of products (column 2, lines 1-3). It would have been obvious to one with ordinary skill in the art at the time the invention was made to replace the peg hook support bar of Graham with the peg hook support bar assembly of

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Moline in order to provide a security storage system which may be readily adjusted to receive a plurality of different sizes of products.

Response to Arguments

Applicant's arguments with respect to claims 26-37, and 39-45 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to locking product retainers:

U.S. Patent Number 6,957,555 to Nagel et al., U.S. Patent Application Publication Number 2004/0155000 to Mele et al., U.S. Patent Application Publication Number 2002/0179546 to McMurray et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Boswell whose telephone number is (571) 272-7054. The examiner can normally be reached on 9:00 - 4:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571) 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CJB CB
December 9, 2005


BRIAN E. GLESSNER
SUPERVISORY PATENT EXAMINER